

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JIMMIE L. FORD,

Plaintiff,

vs.

WEXFORD HEALTH SOURCE, JANETTE
KINKADE, L. OVERALL and S. HAGENE,

Defendants.

Case No. 13-cv-43-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“R & R”) (Doc. 64) of Magistrate Judge Donald G. Wilkerson recommending this Court grant in part and deny in part defendants Janette Kincade’s and Samantha Hagene’s motion for summary judgment (Doc. 40) in which they argue plaintiff Jimmie L. Ford failed to exhaust administrative remedies.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the R & R. The Court has reviewed the entire file and finds that the R & R is not clearly erroneous. Accordingly, the Court

- **ADOPTS** the R & R (Doc. 64);
- **GRANTS in part and DENIES in part** defendants’ motion for summary judgment (Doc. 40). The Court grants the motion to the extent it finds that Ford failed to exhaust

administrative remedies against defendant Janette Kincade, and denies the motion with respect to defendant Samantha Hagene;

- **DISMISSES** defendant Janette Kincade from this case; and
- **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case.

IT IS SO ORDERED.

DATED: February 20, 2014

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE